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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,380	11/24/2000	Krister Hansson	TTP 31349	3719

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EXAMINER

GARLAND, STEVEN R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/718,380

Applicant(s)

HANSSON ET AL.

Examiner

Steven R Garland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2000 and 11 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 7, " the dimensions"; in lines 7-8, " the desired dimensions"; and in line 9, " the segmentation" all lack a proper antecedent basis.

Claim 4, line 2, " the border " lacks a proper antecedent basis.

The other claims fall with the parent claims.

3. Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 6 contains the same limitations as parent claim 4.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,3,4, and 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Mcke 5,568,391.

Mckee teaches use of a computer implemented system for decorating a surface such as flooring. Mckee further teaches dividing the surface into surface elements, decorating the surface elements so that when elements are arranged in the correct layout using a diagram and instructions that the desired artistic rendering is achieved. Mckee teaches the use of printed tiles; use of various sizes and shapes of tiles and matted tiles to fit a customers design requirements; labeling and packaging tiles; use of various types of materials for the tiles; printing installation instructions; output of the desired pattern to a screen or other device; use of scanned images; various visual effects including blending or sharp lines between elements; use of borders; operator selection of visual effects and patterns; etc. See the abstract; figures; col. 1, lines 10-17 and 41-63; col. 2, lines 33-55; col. 3, line 1 to col. 4, line 61; and col. 5, lines 10-67; and col. 6, line 48 on.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mckee 5,568,391.

Mckee teaches use of a computer implemented system for decorating a surface such as flooring. Mckee further teaches dividing the surface into surface elements, decorating the surface elements so that when elements are arranged in the correct layout using a diagram and instructions that the desired artistic rendering is achieved. Mckee teaches the use of printed tiles; use of various sizes and shapes of tiles and matted tiles to fit a customers design requirements; labeling and packaging tiles; use of various types of materials for the tiles; printing installation instructions; output of the desired pattern to a screen or other device; use of scanned images; various visual effects including blending or sharp lines between elements; use of borders; operator selection of visual effects and patterns; etc. See the abstract; figures; col. 1, lines 10-17 and 41-63; col. 2, lines 33-55; col. 3, line 1 to col. 4, line 61; and col. 5, lines 10-67; and col. 6, line 48 on.

Mckee while teaching the use of printed tiles does not specifically use them or go into details about segmentation of the border region since this is a function of the decor being implemented.

It would have been obvious to one of ordinary skill in the art to modify Mckee to allow the use of printed tiles for ease in manufacture.

Further it would have been obvious to one of ordinary skill in the art to modify McKee to allow segmentation of the border region and choice in decor being applied to the border region so that the selected artistic rendering could be accomplished.

9. Claims 1,3,4, and 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerber 5,443,680.

Gerber teaches input of an overall decor; dimensions of the surface to be covered; segmentation; use of various sizes and shapes of tiles; use of a scanned image or image stored in memory; coloring the tiles; labeling; shading; printing a copy of the overall pattern See the abstract; figures; col. 1, lines 39-62; col. 2, lines 1-67; col. 4, lines 19-37 and 57-68; col. 6, lines 34-41; and col.9, line 18 on.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber 5,443,680 as applied to claims 1,3,4, and 6-13 above, and further in view of Newton et al. 6,504,559.

Gerber teaches input of an overall decor; dimensions of the surface to be covered; segmentation; use of various sizes and shapes of tiles; use of a scanned image or image stored in memory; coloring the tiles; labeling; shading; printing a copy of the overall pattern See the abstract; figures; col. 1, lines 39-62; col. 2, lines 1-67; col. 4, lines 19-37 and 57-68; col. 6, lines 34-41; and col.9, line 18 on.

Gerber however does not teach printing the pattern.

Newton et al. teaches printing a pattern on a tile. See col. 2, lines 44-52; col. 3, lines 7-20; col. 4, lines 19-27; and col. 7, lines 55-62.

It would have been obvious to one of ordinary skill in the art to modify Gerber in view of Newton and print a pattern on the tiles. This would allow ease in forming the pattern on the tiles and improve the sharpness of the images.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas et al. 5,966,454 ; Abraham et al. 5,570,292 ; Stoyles 2002/0034607 ; and Krinsky 6,354,212 are all of interest in pattern generation.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R Garland whose telephone number is 703-305-9759. The examiner can normally be reached on Monday –Thursday from 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239; for after final faxes 703-308-7238; and for non official faxes 703-746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.

*SRG*  
Steven R Garland  
Examiner  
Art Unit 2125

*Albert W. Paladini 6-27-03*  
ALBERT W. PALADINI  
PRIMARY EXAM